



# Energy Act 2008

## 2008 CHAPTER 32

### PART 4

#### PROVISIONS RELATING TO OIL AND GAS

##### *Third party access*

#### **81 Directions under section 80: supplemental**

(1) Directions under section 80 may—

- (a) specify the terms on which the Secretary of State considers that the owner of the oil processing facility should enter into an agreement with the applicant for all or any of the purposes mentioned in subsection (2);
- (b) specify the sums, or the method of determining the sums, which the Secretary of State considers should be paid by the applicant as consideration for the right to have petroleum processed at the facility;
- (c) require the owner, if the applicant pays or agrees to pay those sums within a period specified in the directions, to enter into an agreement with the applicant on the terms specified under paragraph (a).

(2) The purposes mentioned in subsection (1)(a) are—

- (a) securing to the applicant the right to have petroleum, of the kind and in the quantities specified in the direction, processed at the oil processing facility;
- (b) securing that the applicant is not prevented or impeded from exercising that right;
- (c) regulating the charges which may be made for the processing of petroleum by virtue of that right;
- (d) securing to the applicant such ancillary or incidental rights as the Secretary of State considers necessary or expedient, which may include the right to have a pipeline connected to the facility by the owner.

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*Status: This is the original version (as it was originally enacted).*

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- (3) For the purpose of considering an application under section 80(5), the Secretary of State may by notice require the owner or the applicant to provide such information relevant to the application as may be specified or described in the notice.
- (4) The information mentioned in subsection (3) may, in particular, include financial information relevant to the owner's or the applicant's activities with respect to oil processing operations.
- (5) The Secretary of State may not disclose to any person any information obtained under subsection (3) unless—
- (a) the person by or on behalf of whom the information was provided consents to the disclosure, or
  - (b) the disclosure is required by virtue of an obligation imposed on the Secretary of State by or under an enactment.
- (6) Compliance with directions under section 80 is enforceable by civil proceedings by the Secretary of State for an injunction or interdict or for any other appropriate relief.
- (7) Civil proceedings under subsection (6) are to be brought—
- (a) in England and Wales, in the High Court, or
  - (b) in Scotland, in the Court of Session.
- (8) In this section and section 80—
- “oil processing facility” means any facility which carries out oil processing operations;
  - “oil processing operations” means any of the following operations—
    - (a) initial blending and such other treatment of petroleum as may be required to produce stabilised crude oil and other hydrocarbon liquids to the point at which a seller could reasonably make a delivery to a purchaser of such oil and liquids;
    - (b) receiving stabilised crude oil and other hydrocarbon liquids piped from an oil processing facility carrying out operations of a kind mentioned in paragraph (a), or storing oil or other hydrocarbon liquids so received, prior to their conveyance to another place (whether inside or outside Great Britain);
    - (c) loading stabilised crude oil and other hydrocarbon liquids piped from a facility carrying out operations of a kind mentioned in paragraph (a) or (b) for conveyance to another place (whether inside or outside Great Britain);
  - “owner”, in relation to an oil processing facility, includes a lessee and any person occupying or controlling the facility;
  - “petroleum” has the meaning given by section 1 of the Petroleum Act 1998 (c. 17) and includes petroleum which has undergone any processing.